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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM G. CUMMINGS and  
JAY G. LEVINE,

Case No.: 08-CV-9860 (SAS)

Plaintiffs,

**NOTICE OF MOTION**

-against-

ADIDAS USA, CONVERSE, INC.,  
NEW BALANCE ATHLETIC SHOE, INC.  
NIKE, INC., REEBOK INTERNATIONAL  
LIMITED and UNDER ARMOUR, INC.

Defendants.

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PLEASE TAKE NOTICE THAT, upon the annexed Affirmation of Ira Scot Meyerowitz, affirmed on October 13, 2009, plaintiffs William G. Cummings and Jay G. Levine ("Plaintiffs"), will move this Court, before the Honorable Shira A. Scheindlin, United States District Court Judge, located at the United States District Courthouse, 500 Pearl Street, New York, New York 10007, on a date to be set by the Court, for an Order, pursuant to Fed. Civ. P. Rule 15, granting Plaintiffs' Motion for Leave to Amend the Amended Complaint and interpose and file the Proposed Second Amended Complaint and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, by Order of the Court, Defendants answering papers are to be filed and served by October 26, 2009 and any and all reply papers by Plaintiffs are to be filed and service by November 2, 2009.

Dated: New York, New York  
October 13, 2009

MEYEROWITZ JEKIELEK, PLLC

/s/

By: \_\_\_\_\_  
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